

Appl No.: 10/623,227
Reply to Office Action mailed August 01, 2007

Atty. Dkt. No:
UCF-273DIV.A

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested. Claims 37, 39, 44, 46-48, 51, 55 and 56 are pending and believed in condition for allowance.

Applicant has amended Claim 37 to correct remove "of" and correct an inadvertent grammatical error. Applicant presents the remaining claims 39, 44, 46-48, 51, 55 and 56 without the deleted materials and underlined insertions. Applicant has canceled Claim 45 which was objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim and further rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Evans et al. article teaching what "appears" to be a ... "hollow tube ... about 100 nm across." Accordingly, the objections and rejection of Claim 45 is now moot; withdrawal of the objections and rejection of Claim 45 is respectfully requested.

With regard to the rejection of Claims 37, 44-48, and 51 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 14 of U.S. Patent No. 6,787,229, Applicant encloses a Terminal Disclaimer to Obviate a Double Patenting Rejection Over A Prior Patent that is commonly owned by the University of Central Florida with common inventorship. Thus, any patent granted on the present application shall be enforceable only for and during such period that the commonly owned patent, U.S. 6,787,229 is enforceable. It is understood that the rejection of canceled claim 45 on the ground of nonstatutory obviousness-type double patenting is moot. However, Applicant respectfully requests the withdrawal of the rejection of Claims 37, 44, 46-48, and 51 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 14 of U.S. Patent No. 6,787,229.

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